

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## Emergency Rules

### ■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Child Care (89 IAC 50; 45 Ill Reg 13098) effective 10/1/21 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 45 Ill Reg 12961. The emergency and proposed amendments establish a grant program, funded via the federal American Rescue Plan Act, through which child care providers enrolled in the Child Care Assistance Program (CCAP) can provide bonus payments to their staffs. Day care homes and centers licensed by the Department of Children and Family Services as of 3/11/21 are eligible, along with license-exempt child care homes (in which one provider cares for 3 or fewer children) and centers providing care only to school-age children. Providers must meet DHS health

### COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

### Peremptory Rule, Page 3

JCAR Meeting Tues. Oct. 19, 10:30 a.m., Stratton Bldg. C-1, Springfield

and safety requirements, including mandated child abuse reporter and first aid training; be open regularly year-round; and be open and receiving children at the time they apply for the bonus grants. Grant funds must be used to compensate providers or staff that are employed or hired from the date

(cont. page 2)

## Adopted Rules

### ■ DCFS LICENSING

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to the Part titled Background Checks (89 IAC 385; 44 Ill Reg 16009) effective 9/28/21, clarifying and updating background check procedures for child care and foster home licensure. The definition of an "employee" or "conditional employee" required to undergo a background check (for both criminal history and any history of child abuse/neglect allegations or incidents reported to DCFS or other states' child welfare agencies) has been expanded to include volunteers and unlicensed contractual employees who have access to or unsupervised contact with children. A person who has been indicated as a perpetrator of abuse or neglect requiring 20- or

(cont. page 3)

**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.  
**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.  
**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.  
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.  
**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.  
**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

# Emergency Rules

(cont. from page 1)

the grant application is submitted through 4/30/22. Compensation can be in the form of one-time or recurring bonuses, and grant funds can be used to cover the cost of federal and State withholding taxes applicable to the bonuses. Providers that receive awards must report their expenditures on a schedule and in a format to be determined by DHS. Grant awards for DCFS licensed providers will be based on the number of staff employed, while grants to license-exempt providers will be based on the average number of CCAP-subsidized children enrolled. For license-exempt child care homes, the grant will be made to the sole child care provider. All bonuses must be distributed no later than 6/30/22 and a final report of grant expenditures must be submitted to DHS by 7/15/22. Child care providers are affected by these rulemakings.

*Questions/requests for copies/comments on the proposed rulemaking through 11/29/21: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Floor, Springfield IL 62762, 217/785-9772.*

## ■ JOB TRAINING GRANTS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY repealed the Part titled Job Training and Economic Development Grant Program (56 IAC 2660; 45 Ill Reg 13049) by emergency rulemaking, effective 9/23/21 for a maximum of 150 days, and adopted a new Part with

the same number and title (45 Ill Reg 13066), effective 9/30/21 for a maximum of 150 days. Identical proposed amendments appear in this week's Register at 45 Ill Reg 12935 (repealer) and 12938 (new Part). The emergency and proposed rulemakings repeal obsolete rules for the Job Training and Economic Development (JTED) program and replace them with a new Part, based on recent changes to the underlying statute (in order to meet requirements for federal funding via the American Rescue Plan Act) and the State's adoption of the Grant Accountability and Transparency Act (GATA). The purpose of JTED is to provide job training and opportunities in targeted industries (those experiencing high demand, as determined by DCEO) to target populations (persons who are unemployed, under-employed, under-represented, or have other barriers to employment such as lack of access to child care, transportation, etc.). Entities eligible to apply for grants must demonstrate expertise and effectiveness in administering workforce development programs and include employers registered to do business in Illinois (for other purposes in this Part, "employer" also includes businesses in neighboring states), private non-profit organizations, community action agencies, industry associations, public or private educational institutions, and federal Workforce Innovation and Opportunity Act administrative entities. Eligible entities may use grant funds for the following purposes: establishing

customized training for individuals in the target population; coordinating partnerships among other eligible entities to develop regional or local strategies for target industries; reducing barriers to employment by directly providing services such as transportation, child care, mental health/substance abuse services, counseling, digital technology, etc., to individuals in the target population or supporting agencies that provide these services; developing work-based learning and transitional job training programs for youth; promoting outreach to potential participants; and assisting private non-profit organizations to provide job training services. Criteria for awarding grants include the applicant's performance history for past grants, experience in serving the target population, participation by local employers or industry associations, and the amount of matching funds provided. The new Part outlines the application process, recordkeeping requirements, allowable costs, and other aspects of the revised JTED program. Those affected by these rulemakings include non-profit organizations, social service providers, and businesses in targeted industries.

*Questions/requests for copies/comments on the 2 proposed DCEO rulemakings through 11/29/21: Jolene Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, 217/557-1820, [jolene.clarke@illinois.gov](mailto:jolene.clarke@illinois.gov)*

(cont. page 4)

# Adopted Rules

(cont. from page 1)

50-year retention of the investigation records (e.g., incidents involving a child's death or serious injury) or indicated as a perpetrator in two or more separate investigations requiring 5-year retention is presumed unsuitable for licensure. Procedures for requesting a waiver from the presumption of unsuitability are outlined in the rulemaking; the person requesting the waiver must supply at least 3 character references. If a member of a license applicant or licensee's household has been indicated as a perpetrator of abuse/neglect serious enough to create a presumption of unsuitability, a waiver allowing the applicant's licensure can be granted only by the DCFS Director or his/her designee. If the household member was identified as a perpetrator in a single investigation for an incident that does not create a presumption of unsuitability, a waiver can be granted at the supervisory level. The rulemaking also updates the list of criminal convictions that create bars to DCFS employment or licensure; clarifies which offenses are not waivable and which offenses can be waived under certain conditions (e.g., more than 5 or 10 years have passed since the offense); procedures to be followed when criminal charges are pending against an employee, licensee or member of a licensee's household; and procedures for appealing a decision to deny licensure based on background

## SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted preemptory amendments to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 45 Ill Reg 13125) effective 10/1/21. The amendments update asset and income limits, allowable income deductions, and maximum monthly benefits for the 2022 federal fiscal year as established by the USDA Food and Nutrition Service. Asset limits for households that do not categorically qualify for SNAP based on other criteria (e.g., disability) are now \$3,750 (formerly \$3,250) for households

history. Since 1<sup>st</sup> Notice, DCFS has clarified various definitions; clarified background check requirements applicable to non-licensed service providers operating within a family home; and removed a provision that (contrary to statute) excluded foster homes from the requirement that licensees not be delinquent in paying child support. Those affected by this rulemaking include foster parents and employees or volunteers of DCFS, licensed child care agencies and day care providers.

*Questions/requests for copies:*  
*Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, fax 217/557-0692, TDD 217/524-3715, [DCFS.Policy@illinois.gov](mailto:DCFS.Policy@illinois.gov)*

## Peremptory Rule

with a qualifying member and \$2,500 (formerly \$2,250) for all other households. Gross and net monthly income standards and allowances for housing and utility costs are also increased. Maximum monthly benefit amounts are increased to \$250 (formerly \$234) for 1 person, \$459 (formerly \$430) for 2 persons, \$658 (formerly \$616) for 3 persons, etc., while the minimum monthly benefit for 1- and 2-person households is raised from \$19 to \$20.

*Questions/requests for copies:*  
*Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Floor, Springfield IL 62762, 217/785-9772.*

## CONTROLLED SUBSTANCES

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Schedule of Controlled Substances (77 IAC 2070; 45 Ill Reg 7560) effective 10/4/21, updating the controlled substance classification of dronabinol (a THC/cannabis derivative used to treat chemotherapy-induced nausea and HIV/AIDS-induced anorexia). The rulemaking classifies dronabinol capsules as Schedule III and changes the Schedule II classification of dronabinol to the oral solution only.

## TANF ASSISTANCE

DHS also adopted an amendment to Temporary Assistance for

(cont. page 5)

# Emergency Rules

(cont. from page 2)

## ■ RENTAL ASSISTANCE

The ILLINOIS HOUSING DEVELOPMENT AUTHORITY adopted emergency amendments to Federal Emergency Rental Assistance Programs (47 IAC 378; 45 Ill Reg 13088) effective 9/30/21, modifying a previous emergency rule adopted at 45 Ill Reg 6675, effective 5/14/21, for the remainder of its 150-day term (which expires 10/10/21). A companion proposed new Part appears in this week's Register at 45 Ill Reg 12941. The emergency amendments clarify the application process, prioritization criteria, recapture provisions, and distribution process for the two federally funded emergency rental assistance (ERA) programs established by Public Act 102-5 and implemented in the original emergency rule. The proposed new Part contains the complete, updated rules for both programs. To qualify for ERA, households must meet income limits; have one or more individuals who qualified for unemployment benefits or experienced economic hardship attributable to the COVID-19 outbreak; and have one or more individuals that can demonstrate a risk of homelessness or housing instability. Grants will be paid to the landlord unless the landlord refuses to participate in the program or cannot be contacted, in which case IHDA will pay the grant money directly to the household. Landlords that accept ERA grants must agree to waive any late fees or other charges accrued by an eligible household

during the period covered by the grant and agree not to pursue eviction or other legal action against the household for non-payment of rent/fees during the grant period. (The landlord retains the right to pursue eviction for legally permissible reasons not related to payment of rent or other financial charges.) IHDA may also make grants or sub-awards to housing stability services (HSS) providers (e.g., legal assistance groups, HUD-approved counseling agencies, community- or faith-based organizations) for the purpose of informing potentially eligible households about the program and assisting them to apply. Those affected by these rulemakings include eligible landlords, eligible households, and community or non-profit organizations that qualify for HSS grants.

*Questions/requests for copies/comments on the proposed rulemaking through 11/29/21: Maureen Ohle, IHDA, 111 E. Wacker Drive, Suite 1000, Chicago IL 60601.*

## ■ COVID-19 TRAINING

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 45 Ill Reg 13108), effective 9/28/21 for a maximum of 150 days, replacing previous emergency amendments that expired 9/27/21. The emergency rule requires frontline clinical and management staff at skilled and intermediate care facilities who

are hired after 1/31/21 to undergo free COVID-19 training provided by the federal Centers for Medicare & Medicaid Services within 14 days after being hired. For frontline staff hired on or before that date, the facility must document that at least 50% completed this training by 1/31/21 and that all staff completed training by 2/28/21. Topics addressed by the training program include infection control, personal protective equipment, disinfection, screening, surveillance, cohorting (i.e., housing infected persons in separate areas from non-infected persons), vaccine distribution, and caring for individuals with dementia during a pandemic. Frontline staff required to complete this training include facility medical directors and nursing directors, treating physicians, nurses, aides, rehabilitation coordinators, social service directors, and any licensed physical, occupational or speech therapists. Volunteers, students, contractors, consultants and caregivers who provide or engage in direct care or services to residents on behalf of a facility are also considered frontline staff who must complete the training program. Nursing homes are affected by this emergency rule.

*Questions/requests for copies: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, (217)782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*



## Adopted Rules

---

(cont. from page 3)

Needy Families (89 IAC 112; 45 Ill Reg 7574) effective 10/1/21, implementing the federal fiscal year 2022 annual increase in TANF monthly grants to at least 30% of the most recent Federal Poverty Level guidelines by household size, with child-only grants set at a minimum of 75% of the caretaker relative and child/children payment level. The minimum child-only payment will be \$242 (currently, \$239) for one child; the minimum payment for a caretaker relative and child will be \$322 (currently \$319) for one person and \$436 (currently, \$431) for a two-person household.

*Questions/requests for copies of the 2 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3<sup>rd</sup> Floor, Springfield IL 62762, (217) 785-9772.*

### ■ HIV/AIDS GRANTS

The DEPARTMENT OF PUBLIC HEALTH adopted an amendment to African-American HIV/AIDS Response Code (77 IAC 691; 45 Ill Reg 7235) effective 9/28/21, replacing an emergency amendment effective 5/25/21. The rulemaking removes provisions that had limited grants under the African-American HIV/AIDS Response Act [410 ILCS 303] and

this Part to single fiscal years and had required grant recipients to reapply annually between March 1 and April 30. The effect of this rulemaking is to allow DPH to award multi-year grants in accordance with the Grant Accountability and Transparency Act. Organizations that receive DPH grants to promote HIV/AIDS prevention and treatment in African-American communities are affected.

*Questions/requests for copies: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## Second Notices

---

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be published in next week's Flinn Report and considered at the October 19, 2021, JCAR meeting in Springfield. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### DEPT OF CENTRAL MGMT SERVICES

Electronic Commerce Security Act (Repealer) (14 IAC 105; 45 Ill Reg 10172) proposed 8/13/21

### DEPT OF LABOR

Illinois Child Labor Law (56 IAC 250; 45 Ill Reg 4071) proposed 3/26/21

### DEPT OF PUBLIC HEALTH

Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 45 Ill Reg 9382) proposed 7/23/21

### OFFICE OF THE STATE TREASURER

Home Ownership Made Easy Act (Repealer) (74 IAC 750; 45 Ill Reg 10701) proposed 8/20/21